

REMARKS:

In the outstanding Office Action mailed November 9, 2009, the Examiner rejected claims 101-108. In the Amendment filed February 12, 2010, claims 101-106 and 108 were amended herein.

An Advisory Action was mailed on February 23, 2010, the Examiner entered the Amendment After Final filed on February 12, 2010 but indicated that no patentable weight has been given to the features included in the amendment.

Applicants respectfully request that the Examiner consider the amendments herein filed with a Request for Continued Examination and a Request for an Interview.

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Claims 101-106 are amended herein, and new claim 109 is added. No new matter is presented. Thus, claims 101-109 are pending and under consideration. The rejections are traversed below.

The Request for Interview is reiterated below.

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REQUEST FOR EXAMINER INTERVIEW:

Applicants respectfully request that the Examiner contact the undersigned, prior to acting on the case, to discuss distinguishable features of the invention. Applicants believe that such a discussion would expedite prosecution.

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CLAIM OBJECTION:

In the Office Action the Examiner objected to claims 103 and 104, alleging that the claims are identical.

By the Amendment filed February 12, 2010, claims 103 and 104 have been amended, and no longer include the language in the form objected to by the Examiner.

Therefore, withdrawal of the objection is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 103:

In the Office Action mailed November 9, 2009, the Examiner rejected claims 101-108 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,056,019 (Schultz) in view of Patent No. 5,201,010 (Deaton), in further view of U.S. Patent No. 4,882,675 (Nichtberger). The Applicants respectfully traverse the Examiner's rejections these claims.

By this Amendment, independent claim 101 is directed to a system where "a store side" and "a customer side" communicate to manage points with respect to a customer.

Claim 101 recites, "a point issuing part on the store side", "a customer database on the store side", "a point accumulation part on the store side", "a customer identification part on the store side" and "a point sending part on the store side" provide "regardless of the customer's request for sending points... the customer's current cumulative points stored in the customer database to the customer terminal on the customer side." See also other independent claims reciting similar features.

In contrast to the Deaton and Nichtberger systems where the user is actually visiting a retail store and actually performing a transaction in the retail store, the claimed invention relates to an online purchase using "a customer terminal on a customer side", not a store side. In other words, Deaton and also Nichtberger do not relate to processing for dealing with a purchase performed outside a store.

Schultz fails to teach that the report is sent to a customer terminal after the customer identification and prior to performing a transaction by the customer (see same page 3, lines 10-11).

Deaton disseminates Point-Of-Sale coupons at the time when a customer hands a check to a store clerk. According to Deaton, a shopper is identified by a check where a check is taken for tendering purchase at a retail store (see, col. 68, lines 20-21) where the action of handing a shopper a check is apparently carried out after the related transaction has been commenced. Therefore, Deaton is silent regarding sending the customer's current cumulative points prior to performing the customer's transaction by the customer as in the claimed invention.

Nichtberger is directed to having a customer insert his or her special card into a CDR, displaying a coupon selection list for customers on a screen of the CDR, having the customer select one of the coupons among from the listed coupons which the customer wishes to get and storing the selected coupon in a memory of the CDR (see, col. 17, lines 30-61). As such, Nichtberger is silent regarding a condition of "regardless of the customer's request of sending points" in the point sending process, as in the claimed inventions throughout independent claims 101-106.

The coupon reward in Deaton is displayed on the POS terminal after the commencement of and only in association with a transaction. Deaton, explicitly states in col. 10, lines 31-44 "... to initiate a check verification request, check reader 121 automatically scans the magnetic ink character recognition (MICR) data printed along the bottom edge of the customer's check and then the store clerk operates the keypad 122 to enter the amount of the check." That is, the series of operations are carried out only thereafter the coupon is displayed on the terminal. Thus, it is apparent that a transaction has already been started in Deaton and thus is limited to only subsequent to commencement of a transaction.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 109 has been added to recite, "updating points of the customer based on current cumulative points and the issued service points including one of adding interest points according to the cumulative points" and "identifying the customer to enable the customer transaction without requiring the customer to physically visit a store."

The cited references, alone or in combination, teach or suggest these features of claim 109 since the same pertain only to store purchases and points issued with these purchases.

It is submitted that new claim 109 is patentably distinguishable over the cited references.

CONCLUSION:

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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